

**IN THE UNITED STATES DISTRICT COURT
IN AND FOR THE EASTERN DISTRICT OF TEXAS**

UNITED STATES OF AMERICA	§	
	§	
vs.	§	CRIMINAL NO. 4:14CR125
	§	
FRANK EDWIN PATE	§	

**DEFENDANT'S MOTION TO CONTINUE
AND REQUEST TO APPEAR TELEPHONICALLY**

COMES NOW the Defendant, Frank Edwin Pate, in the above styled and numbered cause, and respectfully requests the Court to continue the hearing scheduled for January 7, 2015, regarding a change in an assignment for counsel and to address the Order of Protection.

In addition, the Defendant, respectfully requests the Court allow him to appear telephonically for this and all miscellaneous hearings prior to the trial date that has been set for May of 2015.

In support of this motion the Defendant provides the following:

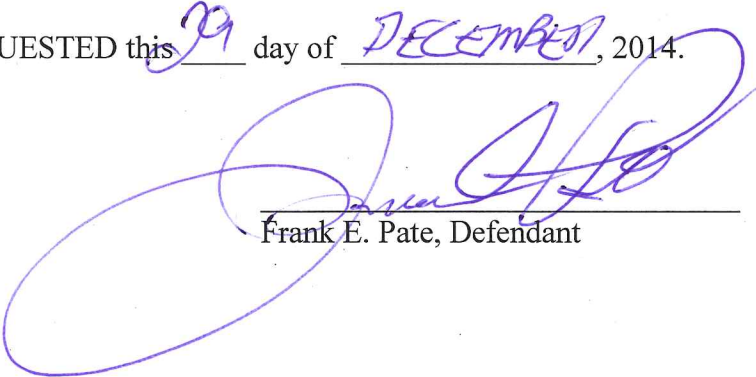
1. The Court has ordered the Defendant to maintain employment. The Defendant is currently still within his thirty (30) day probationary period regarding his employment.
2. The Defendant was determined eligible for a court appointed attorney, which substantiates that his resources are limited. His home and job are in Arizona, and continual trips to Texas, is an excessive burden financially to not only the Defendant, but to his family's well-being.
3. The Defendant would like to bring to the Court's attention that the initial calendaring for the hearing regarding counsel was set for December 11, 2014, and Defendant was permitted to appear telephonically, which indeed he did only to learn the hearing had been rescheduled.
4. The Defendant is presently attempting to reach a 'fee' agreement relationship with a private counsel that is affordable within his budget. It would be a waste of the Court's time if Defendant ultimately is successful at reaching such an agreement and would not be in need of a newly assigned Court appointed Counsel.
5. In the Court's October 13, 2014, Order, this Court adjudicated the complexity of this case by designating the Case Complex under 18.U.S.S. §§3161(h)(7)(A) & (B)(ii). If the January 7, 2015, hearing were to move forward on the docket, due to the non-participation of Defendant's present counsel, the Defendant would essentially be appearing 'pro per'. Defendant has

not been had adequate time to prepare for the arguing of the motions at hand especially considering the complexity of the case.

6. Defendant has a twenty-five (25) year old daughter that has experienced significant mental health concerns. As her father is her primary emotional support, the recent charges made against the Defendant and his arrest have had a negative impact on her emotional stability. She has deteriorated substantially since November of this year. Last week, prior to the Christmas holiday, she attempted to take her own life by ingesting all of her prescribed Thorazine and overdosing. His daughter was found in time and transported to emergency to have her stomach pumped etc. but due to the lack of bed space in the mental health facility, can only be kept in seventy-two (72) hour cycles. After, her release following the suicide attempt, she was again readmitted December 27th. She is to be released on January 30th and Defendant is currently making arrangements for suitable care and supervision. Defendant requests the Court consider the additional time demand, emotional trauma and financial burden these circumstances are presently playing in the Defendant's life and calendar. (Exhibit A). Since the attached letter was issued, a recent conversation with the evaluation nurse added diagnosis of bi-polar, suicidal tendencies, and manic depression.
7. A congressional inquiry was initiated into this matter on December 18, 2014, by Hon. Paul A. Gosar, D.D.S., Member of Congress, and Defendant requests at minimum forty-five (45) days for the inquiry to proceed before an additional hearing is heard before the Court in this matter. (Exhibit B)
8. This Motion for Continuance is not made for purposes of delay, but that justice may be done and proper representation is provided to the Defendant, as is his right.

WHEREFORE, Defendant respectfully requests that this Court continue this matter for at least Forty-five (45) days from its current place on the docket and order that the Defendant may appear telephonically for this and all future hearings in the matter, other than trial.

RESPECTFULLY REQUESTED this 29 day of DECEMBER, 2014.



Frank E. Pate, Defendant

**IN THE UNITED STATES DISTRICT COURT
IN AND FOR THE EASTERN DISTRICT OF TEXAS**

UNITED STATES OF AMERICA

vs.

FRANK EDWIN PATE

§
§
§
§
§

CRIMINAL NO. 4:14CR125

ORDER

Before the Court is the Defendant's Motion to Continue and Motion to Allow the Defendant to appear telephonically. The failure to grant a continuance would deny Defendant the opportunity to retain proper counsel for his defense, and would cause excessive financial burden as well as place his court ordered employment at risk. The Court further finds that the Defendant's Motion for Continuance and Motion to Appear Telephonically for future hearings, other than trial has merit, and is therefore GRANTED.

Judge



WEST SPRINGS *hospital*

Psychiatric Care & Recovery

Exhibit A

Mesa County Court
125 Spruce Street
Grand Junction, CO 81501

12/12/2014

Regarding: Pate, Joanna

DOB: 01/12/1989

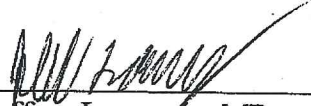
To Whom It May Concern:

Joanna Pate was placed on a 72 hour hold and admitted to West Springs Hospital on 12/09/2014 after beginning to compensate from her last hospitalization. She was hiding under blankets, being combative, unable to contract for safety. This is Ms. Pate's third hospitalization in the last month.

A psychiatric evaluation was performed on Joanna Pate on 12/10/2014 by my colleague, Mark Ramsey, MD, at which time she was diagnosed with Posttraumatic Stress Disorder, and I concur with this diagnosis. Since admission, she presents with an anxious mood and labile affect. Ms. Pate states she has not slept for days. Ms. Pate has pressured speech, with a flight of ideas. She has multiple outbursts during the day and needs to be redirected. She has minimal interaction with peers and staff. She has no insight into her mental illness. Ms. Pate is a danger to herself. It is my recommendation that Ms. Pate remain hospitalized for further treatment.

I am requesting a 90-day involuntary commitment for Joanna Pate to assist her in the stabilization of her psychiatric disorder.

Respectfully,



Jeffrey Lammers, MD
Staff Psychiatrist
West Springs Hospital

PAUL A. GOSAR, D.D.S.
FOURTH DISTRICT, ARIZONA

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Congress of the United States
House of Representatives
Washington, DC 20515-0301

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INDIAN AND ALASKA NATIVE AFFAIRS

WATER AND POWER

December 18th in the year 2014

Frank Pate
303 East Gurley #238
Prescott, AZ 86301

Exhibit B

Dear Mr. Pate:

Thank you for your letter concerning the issues you have encountered with the U.S. Department of Justice.

I sincerely regret that you have experienced these difficulties and I certainly will try to help. Therefore, I have contacted the proper officials with the U.S. Department of Justice on your behalf. As soon as I receive a reply to my inquiry, I will be in touch with you again.

If I may be of any further assistance to you, please do not hesitate to contact me or my staff at (928) 445-1683. Also, please feel free to visit my website, www.gosar.house.gov for more information on constituent services, legislative updates, my E-Newsletter, and the ongoing work in Congress. It continues to be a great honor to be allowed to represent you in the United States House of Representatives.

Kind Regards,

Hon. Paul A. Gosar, D.D.S.
Member of Congress